UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO

ANTONIO D. STEWART,) CASE NO. 1:18 CV 2963
Petitioner,)) JUDGE JOHN R. ADAMS
v.)
WARDEN ERIC IVEY, et al.,) MEMORANDUM OF OPINION AND ORDER
Respondents.) AND ORDER

Petitioner, a detainee in the Cuyahoga County Jail, has filed a petition seeking a writ of *habeas corpus* pursuant to 28 U.S.C. § 2241. (Doc. No. 1.) In his petition, he seeks compensation on the basis of alleged inhumane conditions in the Jail.

However, a § 2241 *habeas corpus* petition is not the appropriate vehicle for a prisoner to challenge the conditions of his confinement, as the petitioner does here. *See Preiser v. Rodriguez*, 411 U.S. 475, 498-99 (1973); *Sullivan v. United States*, 90 F. App'x 862, 863 (6th Cir. 2004) ("[Section] 2241 is a vehicle not for challenging prison conditions, but for challenging matters concerning the execution of a sentence such as the computation of good-time credits."). In order to seek relief concerning the conditions of his confinement, the petitioner must file a civil rights action.¹

Accordingly, petitioner's application to proceed *in forma pauperis* (Doc. No. 2) is granted, and this action for a writ of *habeas corpus* is dismissed without prejudice pursuant 28 U.S.C. § 2243. The Court further certifies, pursuant to 28 U.S.C. §1915(a)(3), that an appeal from this decision

¹To bring a civil rights action, the petitioner would have to file a civil rights complaint in a new case, and either pay the \$400 filing fee, or an application to proceed *in forma pauperis* accompanied by a certified prisoner account statement, in order for the court to assess and collect the appropriate fee. *See* 28 U.S.C. §1915(b)(1).

could not be taken in good faith and there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253; Fed. R. App. P. 22(b).

IT IS SO ORDERED.

		S/John R. Adams
		JOHN R. ADAMS UNITED STATES DISTRICT JUDGE
	4/29/19	
DATED:		